

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0830-01  
Bill No.: HB 353  
Subject: Criminal Procedure; Probation and Parole  
Type: Original  
Date: March 1, 2005

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue	(Less than \$200,000)	(Less than \$200,000)	(Less than \$200,000)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Less than \$200,000)</b>	<b>(Less than \$200,000)</b>	<b>(Less than \$200,000)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Boone County Sheriff's Department, Jackson County Sheriff's Department,** and the **St. Louis Metropolitan Police Department** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors.

Officials from the **Office of the Attorney General (AGO)** assume the costs of handling any additional habeas actions are unknown but less than \$100,000; however, if the number of additional actions exceeds fifteen in any fiscal year, AGO projects the cost would exceed \$100,000 in that fiscal year.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** assume this bill allows the court to suspend the period of probation of a defendant upon issuance of a warrant for arrest for violation of the conditions of probation and allows court to extend a probationary term by one year.

Currently, when a violation to probation occurs, a new term of probation may be granted for another set amount of time. Given the choice of revocation or a new term, most defendants take the new term.

DOC assumes this proposal may increase some probations and a longer probation period does also increase the likelihood for revocation and resulting incarceration.

The DOC cannot predict the number of new commitments (to either supervisions or incarceration) which may result from the statute change(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY04 average of \$38.37 per inmate per day, or an annual cost of \$14,005 per inmate) or through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender per day, or an annual cost of \$1,150 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Likewise, eighty-seven (87) would have to be serving additional supervision time annually. It is assumed the impact would be less than \$100,000 per year for the DOC.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
<b>GENERAL REVENUE FUND</b>			
<u>Costs – Office of the Attorney General</u>			
Additional cases	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Costs – Department of Corrections</u>			
Incarceration/probation costs	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(Less than \$200,000)</u></b>	<b><u>(Less than \$200,000)</u></b>	<b><u>(Less than \$200,000)</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would change the laws regarding probation. The proposal would:

1. Allow the court to add up to a year onto a person's probationary period when the person has violated the terms of his or her probation;
2. Allow a prosecutor to file a motion seeking the revocation of a person's probation; and
3. Require the court to temporarily suspend a person's probationary period when issuing an arrest warrant for the person. When the arrest warrant is served, the probation period would begin to run again.

DESCRIPTION (continued)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Attorney General  
Office of State Courts Administrator  
Department of Corrections  
Office of Prosecution Services  
Boone County Sheriff's Department  
Jackson County Sheriff's Department  
St. Louis Metropolitan Police Department

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
March 1, 2005